

IN THE UNITED STATES PATENT OFFICE

In re the Patent Application of :
:
MICHAEL L. MAHAR ET AL. :
:
Serial No. 08/455,402 : Art Unit:
:
Receipt Date: May 31, 1995 : Examiner:
:
For: ENHANCED DRUG DISPENSING :
SYSTEM :
:

PETITION UNDER 37 C.F.R. 1.47 AND
RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Attention: Application Processing Division
Special Processing and Correspondence Branch

Sir:

The above-identified application was filed by the joint inventors Christopher J. Lasher, Dennis Wayne Rice and Michael Joseph Szesko on behalf of themselves and on behalf of the joint inventor, Michael L. Mahar, who refused to execute the application. Proof of the pertinent facts of the refusal to execute the application by the joint inventor Michael L. Mahar were submitted in a declaration filed with the application and executed by William Halsch, who is associate counsel for the assignee of the above-identified application. As shown in Mr. Halsch's declaration, Mr. Mahar refused to execute the declaration. Accordingly, it is submitted that the other three inventors are entitled to file the application on behalf of themselves and on behalf of Mr. Mahar under 37 C.F.R. 1.47 and it is requested that the application be accepted on that basis. The last known address of Michael L. Mahar is 21 Overbrook Drive, Appalachin, New York 13732.

A Notice to File Missing Parts of Application and a Notice of Incomplete Application were issued in this case. The Notice of Incomplete Application indicated that a filing date had not been granted because allegedly the original application papers did not

include at least one claim. This notice was in error in that the original application papers did include claims and this fact has now been confirmed by Kathy Kirik in the Application Processing Division. Accordingly, it is submitted that a filing date of May 31, 1995 should be granted to this application.

The fee of \$130 for the Petition Under 37 C.F.R. 1.47 and the surcharge of \$130 assessed in connection with the Notice to File Missing Parts, together with a copy of the Notice to File Missing Parts of Application and Notice of Incomplete Application, are enclosed herewith.

The Notice to File Missing Parts indicates that the signature of Michael Mahar was missing. However, since the application is being filed under 37 C.F.R. 1.47, Mr. Mahar's signature is not required. The original filing papers may, however, be considered incomplete since they failed to include a petition under 37 C.F.R. 1.47 and the petition fee. Thus, the submission of this Petition and the petition fee provides the complete application papers and is a complete response to the Notice to File Missing Parts.

If the Commissioner finds that additional fees are required or that a refund is in order, he is authorized to appropriately debit or credit Deposit Account No. 12-0275.

Respectfully submitted,

Date: July 18, 1995

Richard L. Aitken
Richard L. Aitken
Registration No. 18,791

Lane, Aitken & McCann
Watergate Office Building
2600 Virginia Avenue, N.W.
Washington, D.C. 20037
(202) 337-5556

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date of signature identified below.

Richard L. Aitken, Registration No. 18,791

Signature: Richard L. Aitken

Date of Signature: July 18, 1995

IN THE UNITED STATES PATENT OFFICE

In re the Patent Application of :
MICHAEL L. MAHAR ET AL. :
Serial No. 08/455,402 : Art Unit:
Filed: Herewith : Examiner:
For: ENHANCED DRUG DISPENSING :
SYSTEM :

SUPPLEMENTAL DECLARATION

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Attention: Special Program Law Office
Office of Deputy Assistant Commissioner
for Patent Policy and Projects
Crystal Park 1, Suite 250
Washington, D.C. 20231

Sir:

William Halsch declares that:

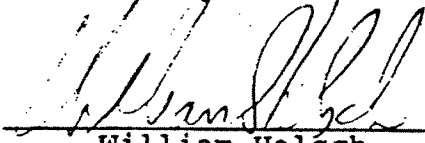
He is the person who signed the declaration submitted with the application showing that the inventor, Michael L. Mahar, refused to execute the application.

He himself personally presented the application to Michael L. Mahar with the declaration naming all four inventors as joint inventors and Michael L. Mahar made his refusal to sign the declaration to him personally.

William Halsch declares further that all statements made herein of his own knowledge are true and that all statements made

on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 10/16/95



William Halsch

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

LASHER et al.

Serial No. 09/512,734

Filed: February 24, 2000

For: ENHANCED DRUG DISPENSING SYSTEM

PETITION

Honorable Commissioner of
Patents and Trademarks
Washington D.C. 20231

Sir:

In response to a Notice to File Missing Parts of Application, dated March 27, 2000, submitted herewith are the following documents for filing the above-referenced application:

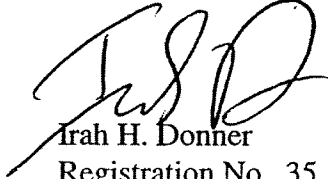
1. A Declaration of Inventorship signed by three of the four inventors (see enclosed);
2. An Affidavit regarding the fourth inventor, Mr. Mahar (see enclosure with Assignment document of parent application);
3. Petition for a 5 month Extension of Time; and
4. Fees, that include:
 - (1) Statutory Basic filing fee of \$690.00
 - (2) Additional claim fee of \$2,142.00
 - (3) Late Filing Fee Surcharge of \$130.00
 - (4) Assignment recordation fee of \$40.00
 - (5) Fee for 5 month extension \$1,850.00.

Applicant hereby petitions the Commissioner of Patents and Trademark to accept the above documents in fulfillment of all documents needed to complete the filing requirements, and to accept the application for substantive examination.

Please charge Deposit Account No. 08-0219 in the amount of \$ 4,852.00. To the extent necessary charge Applicant any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-0219 and please credit any excess fees to such deposit account.

Respectfully submitted,

HALE AND DORR LLP



Ira H. Donner

Registration No. 35,120

1455 Pennsylvania Avenue, NW
Washington, DC 20004
TEL 202.942.8585
FAX 202.942.8484
Date: 10/27/00
IHD/sgs: 103864-1101

k:\donner_irah\legal\103864 merck-medco-112764\1101\petition.doc

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of

Christopher J. LASHER, et al.

Serial No. 09/512,734

Filed: February 24, 2000

FOR: ENHANCED DRUG DISPENSING SYSTEM

OFFER TO SURRENDER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the provisions of 37 C.F.R. 1.178, the undersigned applicant of the accompanying reissue application for the reissue of Letters Patent Number 5,720,154 to ENHANCED DRUG DISPENSING SYSTEM granted on February 24, 1998, to Christopher J. Lasher, et al., and assigned to MERCK-MEDCO MANAGED CARE, L.L.C., by assignment of the entire right, title and interest, hereby offers to surrender said Letters Patent.

MERCK-MEDCO MANAGED CARE, L.L.C.

By:



David S. Machlowitz, Esq.

Title: Senior Vice President and General Counsel

Date:

10/19/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of :
: Christopher J. LASHER, et al. :
: Serial No. 09/512,734 :
: Filed: February 24, 2000 :

FOR: ENHANCED DRUG DISPENSING SYSTEM

STATEMENT UNDER 37 C.F.R. 3.73(b)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the provisions of 37 C.F.R. 3.73(b), MERCK-MEDCO MANAGED CARE, L.L.C., hereby states that it is the assignee of the entire right, title, and interest of U.S. Patent 5,720,154 entitled ENHANCED DRUG DISPENSING SYSTEM granted on February 24, 1998, to Christopher J. Lasher, et al., as well as the accompanying reissue application therefor, by virtue of a chain of title from the inventors to the current assignee as follows:

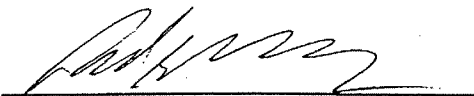
1. The assignment from Christopher J. Lasher, Dennis W. Rice and Michael J. Szesko to MEDCO CONTAINMENT SERVICES, Inc., which assignment document was recorded in the U.S. Patent and Trademark Office on September 13, 1995 at Reel 7643, Frame 0895;
2. The assignment from Michael L. Maher to MEDCO CONTAINMENT SERVICES, Inc., which assignment document was recorded in the U. S. Patent and Trademark Office on December 22, 1999 at Reel 010485, Frame 0401; and

Reissue Application of Patent No. 5,720,154

3. The acquisition by MERCK-MEDCO MANAGED CARE, L.L.C. of MEDCO
CONTAINMENT SERVICES, Inc. _____

The undersigned is empowered to sign this statement on behalf of the assignee.

MERCK-MEDCO MANAGED CARE, L.L.C.

By: 

David S. Machlowitz, Esq.

Title: Senior Vice President and General Counsel

Date: 10/19/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of

Christopher J. LASHER, et al.

Serial No. 09/512,734

Filed: February 24, 2000

FOR: ENHANCED DRUG DISPENSING SYSTEM

ASSIGNEE'S CONSENT TO REISSUE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the provisions of 37 C.F.R. 1.172, MERCK-MEDCO MANAGED CARE, L.L.C., assignee of U.S. Patent 5,720,154 to ENHANCED DRUG DISPENSING SYSTEM granted on February 24, 1998, to Christopher J. Lasher, et al., of which it is the owner of the entire right, title and interest, hereby consents to the filing of the accompanying reissue application therefor.

MERCK-MEDCO MANAGED CARE, L.L.C.

By: 

David S. Machlowitz, Esq.

Title: Senior Vice President and General Counsel

Date: 10/19/00